

REMARKS

The Office has rejected claims 1-4, 6, 10, 17, 18 and 20 under 35 U.S.C. §103(a) over Elasser (U.S. Patent No. 5,874,625). In addition the Office has rejected claims 11-16 under 35 U.S.C. §103(a) over *J. of Medicinal Chemistry* (1971), 14(9), p. 836-845. Finally, the Office has rejected claim 1 under 35 U.S.C. §112, second paragraph.

The disclosure relates to a process for preparing 4-(aminoalkoxy)benzylamines by hydrogenation. The process is conducted in the presence of an organic solvent (claim 1). In addition, the disclosure involves a process for preparing 4-(aminoalkoxy)benzonitriles by conversion of an aminoalcohol to an alkali metal salt and reacting the alkali metal salt with 4-halobenzonitrile. The process is conducted in the presence of an aprotic solvent (claim 11).

Elasser does not teach or suggest the use of an organic solvent; and therefore, claims 1, 3, 6, 10, 17, 18 and 20 would not have been obvious over Elasser. In addition, the cited *J. of Medical Chemistry* article does not teach or suggest the use of an aprotic solvent; and therefore, claims 11-13, 15 and 16 would not have been obvious over the cited Journal article.

Elasser describes a process for the hydrogenation of organic nitriles into primary amines. The hydrogenation process requires the use of water as a solvent (see Abstract). In contrast, the claimed process (claim 1) utilizes an organic solvent. Therefore, Elasser does not teach or suggest all the recitations of the claimed process, and indeed, teaches away from the claimed process. Accordingly, the claimed process would not have been rendered obvious over Elasser and Applicants respectfully request that the Office withdraw the rejection under 35 U.S.C. §103(a).

The *J. of Medicinal Chemistry* article describes the reaction of p-chlorobenzonitrile with the Na salt of a dialkylamino alcohol in excess dialkylamino alcohol as a solvent (method C page 840). The excess alcohol solvent is an aprotic solvent. In contrast the claimed process (claim 11) utilizes an aprotic solvent. Therefore, the article does not teach or suggest all the recitations of the claimed process. Accordingly, the claimed process would not have been rendered obvious over the article and Applicants respectfully request that the Office withdraw the rejection under 35 U.S.C. §103(a).

Applicants note that claim 1 has been amended such that claim 1 is free of the criticisms outlined on page 2 of the Office Action. Accordingly, Applicants respectfully request that the office withdraw the rejection of claim 1 under 35 U.S.C. §112, second paragraph.

In addition, Applicants note that claim 11 has been amended such that claim 11 meets the requirements under MPEP 608.01(m). Accordingly, Applicants request that the Office withdraw the objection to claim 11 outlined on page 2 of the Office Action.

Finally, with regard to the IDS, Applicants submit that complete copies of the references were submitted and that they are in conformance with the requirements of MPEP 609. Copies of these references are included with this response for the Examiner's convenience. Applicants note that references CC, CD and CF are only abstracts from an abstract service. Foreign language reference CF is discussed on pages 1 and 2 of the specification. Accordingly, Applicants request that the Office enter and consider these references and provide Applicants with an initialed copy of the submitted form 1449.

In light of the above remarks, applicant believes the pending application is in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00014-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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